

U.S. DISTRICT COURT
OF MASS.


**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

	2003 DEC -3 P 4: 19
IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
) CIVIL ACTION: 01-CV-12257 PBS
THIS DOCUMENT RELATES TO ALL)
CLASS ACTIONS) Judge Patti B. Saris
)

**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER REGARDING
SUBPOENAS TO PUTATIVE CLASS MEMBER**

Plaintiffs respectfully move the Court for an order (i) quashing all of defendants' currently pending subpoenas/subpoenas duces tecum addressed to, or served on, absent class members, (ii) requiring defendants to make a full accounting of all communications that they have had with each putative class member in regard to these subpoenas (or any other matter related to the litigation); and (iii) declaring that, before pursuing any further discovery of absent class members, defendants must meet and confer with plaintiffs' counsel in order to reach agreement on the timing and scope of discovery on absent class members and, failing agreement on the scope of any such discovery, present a proposal for the Court's consideration. This motion is supported by Plaintiffs' Memorandum in Support of Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members filed herewith, the Declaration of Thomas Sobol in Support of Motion for a Protective Order filed herewith, and the record and pleadings on file in this action.

DATED: December 03, 2003

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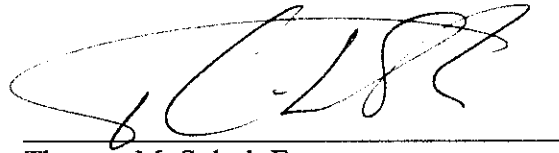
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**ADDITIONAL ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members to be served on all counsel of record electronically on December 3, 2003, pursuant to Section D of Case Management Order No. 2.

A handwritten signature in black ink, appearing to read 'T. Sobol', is written over a horizontal line.

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